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IN THE

Supreme Court of the United States

OCTOBER TERM, 1955

No. 38

RAYMOND C. ARMSTRONG,

Petitioner,

v.

MARY R. ARMSTRONG,
GENERAL MOTORS CORPORATION, et al.,

Respondents.

SUPPLEMENT TO PETITIONER'S REPLY BRIEF

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CINCINNATI, OHIO

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The matter contained in the Supplement to the Brief of the respondent filed on the day of argument is not in the record. It apparently is an attempt to show that petitioner waived in some way the issue. This matter was never raised in either the Court of Appeals in the First District of Ohio, or in the Supreme Court of Ohio. The issue of full faith and credit and res adjudicata was raised by the respondent in its petition, and was invoked by the petitioner throughout (See R. 7, 10, 11, Pet. for Cert. pp. 16a to 18a, 25a, 29a). It was fully argued on a motion to strike filed by the petitioner (R. 14), and on a motion for new trial,

which respondent well knows. Since the Supplement forms no part of the record and since petitioner has not agreed it should be part of the record, it cannot form any basis for a decision in the case.

The so called Supplement filed by respondent omits the argument which is entitled "The Florida Divorce Decree Is Binding Upon Plaintiff, Is Res Adjudicata, and Cannot Be Attacked Collaterally," consisting of nearly nine typewritten pages. The part quoted was written after the trial court indicated it would allow alimony even though full faith and credit was given to the Florida divorce decree (R. bottom 129).

A reading of the record shows that practically all of the testimony of respondent related to events occurring in 1917 and 1918 by relatives and friends rather than about incidents occurring during the marriage. It was clear why respondent went to Ohio and took the certificates of stock with her from Florida. She wanted the matter, once adjudicated, to be re-adjudicated in a forum of her own choosing, rather than in Florida, their matrimonial domicile.

Respectfully submitted,

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